

Form I-243
7/98
Form 243
7/98

RECEIVED

JUN 18 2002

Department of Water Resources

RECEIVED

MAY - 2 2002

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that

Fern Keetch.

327 S. 7th Montpelier, ID
(Mailing Address)

(Name of Claimant)
83254
(Zip Code)

Claim No. 11-7486
Telephone No. 208-847-1611

RECEIVED
MAR 21 2002
Department of Water Resources
Eastern Region

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) April 15, 1877
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, *Idaho Code*.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Bear River

tributary to Great Salt Lake

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(cfs or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive)
(MM/DD) (MM/DD)

Quantity <u>0.16 cfs</u>	Use <u>Stock water</u>	Period of Use From <u>1/1</u>	to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

4. 0.16 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is _____ 1/4 of NE 1/4 of NE 1/4 Govt. Lot _____
Sec. 34 Township 13S Range 44E B.M., Bear Lake County;
additional SE points of diversion, if
any: SW SE Sec. 35, T13S, R44E.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

Sect. 35 - Rock dam in Bear River to back up the water to
Casto Slough to a cement headgate that diverts the water
to the Kent-Larocco ditch.

Sect. 34 - Utah Power: opens a cement headgate and the water
flows through the Rainbow ditch, Canal, F.K.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
13S	44E	34									S			S	S	S	S	S	S
		35							S			S	S						S
14S	44E	3	S	S	S	S	S												S

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. 600 head range
cows, 6 horses,

NOTE: Include here the type and number of stock watered: _____

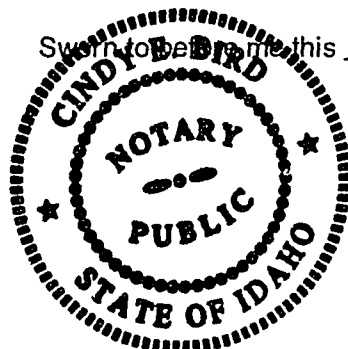
7. Remarks: _____

8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
County of Bannock) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Tern Keetch
Claimant's Signature (and title if claim is for an organization)



Sworn to before me this 20th day of March, 2002.

Cindy L. Bird
Notary Public

Residing at: Lava Hot Springs

My commission expires: May 1, 2007.

FOR DEPARTMENT USE ONLY

Received by HWT Date 3-22-02 Published ID State Journal in:

Prelim. check by _____ Date _____ Publication dates April 4 & 11, 2002
Fee 250- Receipt # 6021560 Publication checked by SC Date 5/1/02
Receipt prepared by HWT Date 3/22 Exceptions filed by Pacificorp

Re-Advertised - News Examiner on May 15 & 22, 2002 OK SC
e/10/02.

Please note: Advertised 1st time in wrong county.

[illegible]

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7486

FERN KEETCH
327 S 7TH
MONTPELIER ID 83254

Point(s) of Diversion: NENE S34 T13S R44E, BANNOCK County
Source BEAR RIVER, Tributary To GREAT SALT LAKE

Use: STOCKWATER 01/01 To 12/31 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 03/22/2002

Place Of Use: STOCKWATER

T13S R44E S34 NESW SESW NESE NWSE SWSE SESE

T13S R44E S35 SWNW NWSW SWSW

T14S R44E S3 NENE NWNE SWNE SENE NENW

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on April 4 and 11, 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
March 25, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO ID 83204

RE: Statutory Claim No. 11-7486

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 22, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
3/26/02
sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 25, 2002

Fern Keetch
327 S 7th
Montpelier ID 83254

RE: Water Right Claim No 11-7486

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the Id State Journal on April 4 and 11, 2002. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 25, 2002

Jody L. Williams
Kruse Landa & Maycock
50 W Broadway 8th Floor
Salt Lake City UT 84101

RE: Application for Permit #13-07607, Claim to a Water Right #11-07486 and 13-07608

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 22, 2002, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

FAX

April 1, 2002

To: Sharla Cox - IDWR - Eastern Regional Office
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3805

Re: Statutory Claim No. 11-07486, Fern Keetch

Hi Sharla:

Our office reviewed the above water right application from the IDWR New Water Rights filing report dated March 25, 2002 (copy attached).

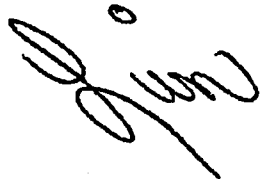
Our MTP (copy attached) shows:

POUs: T13S R44E S35 SWNW may be missing a lot #.
T14S R44E S03 NENE, NWNE, NENW may be missing lot #s.

BLM does not have a problem with this claim, we are just providing this for your information.

Thank you.

Have a nice day!!



cc: Deena Teel - BLM - Idaho Falls FO
Fax # (208) 524-7505

Pages 6 (includes cover sheet)

PROOF OF PUBLICATION

RECEIVED
APR 15 2002
Department of Water Resources
Eastern Region

STATE OF IDAHO
County of Bannock

LN8267

BECKY NEILSEN

NOTICE

The following claim(s)
have been filed
based on diversion
and beneficial use of
water:

11-7486

FERN KEETCH
327 S 7TH
MONTPELIER, ID
83254

Point(s) of Diversion:
NENE S34 T13S
R44E, BANNOCK
County
Source BEAR RIVER,
Tributary to GREAT
SALT LAKE

Use: STOCKWATER

01/01 TO 12/31 0.16
CFS

Total Diversion: 0.16
CFS

Dated Filed: 03/22/02

Place of Use: STOCK-
WATER

T13S R44E S34
NESW SESW NESE
NWSE SWSE SESE

T13S R44E S35
SWNW NWSW
SWSW

T14S R44E S3 NENE
NWNE SWNE SENE
NENW

Exceptions to a claim
may be filed with the
Department of Water
Resources, Eastern
Region, 900 N. Sky-
line Dr., Ste A, Idaho
Falls, ID 83402 to-
gether with an ex-
ception fee of
\$25.00.

KARL J. DREHER, Di-
rector
April 4, 11, 2002
LN8267

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States
of America, more than 21 years of age, and the Principal Clerk
of THE IDAHO STATE JOURNAL, a daily newspaper,
printed and published at Pocatello, Bannock County, Idaho, and
having a general circulation therein.

That the document or notice, a true copy of which is
attached, was published in the said IDAHO STATE
JOURNAL, on the following dates, to-wit:

April 4	, 2002	, 2002
April 11	, 2002	, 2002
	, 2002	, 2002
	, 2002	, 2002

That said paper has been continuously and uninterruptedly
published in said County for a period of seventy-eight
weeks prior to the publication of said notice of advertisement
and is a newspaper within the meaning of the laws of Idaho.

Becky Nielsen

STATE OF IDAHO
COUNTY OF BANNOCK

On this 11TH DAY of APRIL in the year of 2002, before
me, a Notary Public, personally appeared BECKY
NEILSEN, known or identified to me to be the
person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements
therein are true, and acknowledge to me that she executed the
same.

Lori A. Skot
Notary Public for Idaho

Residing at POCATELLO

My commission expires: FEB. 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 08, 2002

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Statutory Claim No. 11-7486

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 3, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
5/8/02
sc*

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7486

FERN KEETCH
327 S 7TH
MONTPELIER ID 83254

Point(s) of Diversion: NENE S34 T13S R44E, BEAR LAKE County
Source BEAR RIVER, Tributary To GREAT SALT LAKE

Use: STOCKWATER 01/01 To 12/31 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 05/08/2002

Place Of Use: STOCKWATER

T13S R44E S34 NESW SESW NESE NWSE SWSE SESE

T13S R44E S35 SWNW NWSW SWSW

T14S R44E S3 NENE NWNE SWNE SENE NENW

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N
Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on May 15 and 22, 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 08, 2002

Fern Keetch
327 S 7th
Montpelier ID 83254

RE: Water Right Claim No 11-7486

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner on May 15 and 22, 2002. Please note, we had to re-advertise this claim. Our office accidentally advertised it in the wrong county. Sorry for the inconvenience. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

No 6381

AFFIDAVIT OF PUBLICATION

RECEIVED
JUN 10 2002

RECEIVED
JUN 10 2002

Department of Water Resources
Eastern Region

Department of Water Resources
Eastern Region

STATE OF IDAHO,

County of Bear Lake

ss. Department of Water Resources
Eastern Region

Rosa J. Moosman
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 15, 2002, and ending
with the issue of May 22, 2002

Rosa J. Moosman
Fees, \$56.48

Subscribed and sworn to before me this 31st day
of May, 2002

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 192003

NOTICE TO WATER USERS

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7486
FERN KEETCH
327 S 7TH
MONTPELIER ID 83254

Point(s) of Diversion: NENE S34
T13S R44E, BEAR LAKE County
Source: BEAR RIVER, Tributary
To GREAT SALT LAKE

Use: STOCKWATER
01/01 To 12/31 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 05/08/2002

Place Of Use: STOCKWATER

T13S R44E S34 NESW SESW

NESE NWSE SWSE SESE

T13S R44E S35 SWNW

NWSW SWSW

T14S R44E S3 NENE NWNE

SWNE SENE NENW

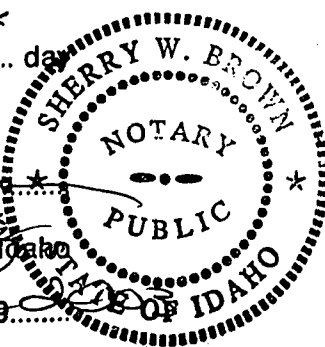
Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N. Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER,

Director

Publish May 15 and 22, 2002

Legal No. 6381.





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KRUSE LANDA & MAYCOCK, LLC
C/O JODY WILLIAMS
50 W BRDWAY, SUITE 800
PO BOX 45561
SALT LAKE CITY, UT 84101

RE: Claim No. 11-007486 FERN KEETCH , and 11-07484 PRESTON MONTPELIER

Dear Jody Williams:

We have received the exception dated May 7, 2002, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation of final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 10, 2002

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

FERN KEETCH
327 S 7TH
MONTPELIER, ID 83254

RE: Claim No. 11-007486

Dear FERN KEETCH:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation of final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

TO: File 11-07486
FROM: HWJ

RECEIVED
JUN 18 2002
Department of Water Resources

This claim was filed at the prompting of Pacificorp which discovered the stock water use was not covered by any water right. When I did the data entry I left off one PD. This has since been corrected but I do not feel a re-ad is necessary. Pacificorp has filed their exception and as I have stated, they were the only concerned party since the real issue was winter water use.

Harold W Jones

HWJ

6-11-02

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 11-7486

WATER RIGHT NUMBER: 11-7486

Owner Type Name and Address
 Current Owner FERN KEETCH
 327 S 7TH
 MONTPELIER, ID 83254
 (208)847-1611

Priority Date: 04/15/1877
 Basis: Statutory Claim
 Status: Active

Source Tributary
 BEAR RIVER GREAT SALT LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.160 CFS	
<u>Total Diversion:</u>		0.160 CFS	

Location of Point(s) of Diversion

BEAR RIVER	NE1/4NE1/4	Sec. 34, Twp 13S, Rge 44E, B.M.
BEAR LAKE County		
BEAR RIVER	SE1/4SE1/4	Sec. 35, Twp 13S, Rge 44E, B.M.
BEAR LAKE County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	44E	34									X				X				
13S	44E	35						X				X	X						
14S	44E	3	X	X	X	X	X												

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 11-7486

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Jody L. Williams, Esq.
Steven J Vuyovich, Esq.
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, Suite 800
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

RECEIVED
JUN 18 2002
Department of Water Resources

RECEIVED
MAY 10 2002
Department of Water Resources
Eastern Region

Attorneys for PacifiCorp dba Utah Power and Light

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

In the Matter of the	)	Exception of PacifiCorp,
Claim to Water Right	)	an Oregon Corporation, dba
No. 11-7486	)	Utah Power & Light Company,
Fern Keetch	)	PacifiCorp
Claimant	)	

1. Claudia Conder, for PacifiCorp being duly sworn, states as follows: PacifiCorp, an Oregon corporation doing business in Idaho as Utah Power & Light Company ("PacifiCorp"), 1407 W No Temple, Suite 110, Salt Lake City, Utah 84140, hereby files this exception before the Department of Water Resources in the above-referenced proceedings. Please send notices and correspondence regarding this exception to:

Claudia Conder
Water Rights Administrator
PacifiCorp
1407 W No Temple Suite 110
Salt Lake City, UT 84140

With a copy to:

Jody L. Williams
Kruse, Landa & Maycock
50 West Broadway, #800
Salt Lake City, UT 84101

* E027740

2. PacifiCorp owns water rights in the Bear River, the tributaries to Bear Lake, and Bear Lake decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al*, in Equity No. 203, July 14, 1920, and *Utah Power & Light Company v. Richmond Irrigation Company, et al*, February 21, 1922, as well as other rights in the Bear River below Claimant's proposed point of diversion.

3. Claimant has filed a Statutory Claim for 0.16 cfs of surface water in the Bear River used since April 15, 1877 for stockwatering.

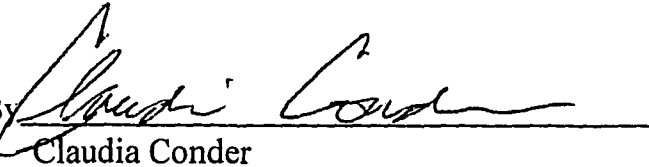
4. PacifiCorp questions whether the uses specified in the claim were in existence on April 15, 1877, and if so, whether the water has been used continuously since that date without enlargement or forfeiture. Stockwater use in extremely cold winter months in the canal and all laterals may not have occurred due to freezing.

5. PacifiCorp believes the claimed use will interfere with its water rights in Bear River and will cause additional releases of Bear Lake storage water to satisfy other early priority irrigation water rights which will suffer interference due to Claimant's diversion.

WHEREFORE, PacifiCorp respectfully states this exception to the above-referenced claim.

DATED this 7 day of MAY, 2002.

PACIFICORP, dba
UTAH POWER & LIGHT COMPANY

By 
Claudia Conder

Water Rights Administrator
PacifiCorp
1407 W No Temple Suite 110
Salt Lake City, UT 84140

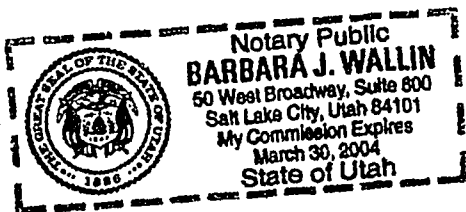
STATE OF UTAH)

:ss.

COUNTY OF SALT LAKE)

On this 7th day of May 2002, before me, the undersigned, a notary public in and for said state, personally appeared Claudia Conder, known to me to be the person whose name is subscribed to the within instrument, who duly acknowledged to me that she executed the same.

WITNESS my hand and official seal.



Barbara J. Wallin
Notary Public

MAILING CERTIFICATE

On this 7th day of May, 2002, I mailed a true and correct copy of the foregoing Exception, postage prepaid, to:

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

Fern Keetch
327 So 7th
Montpelier, ID 83254

Brent Rose, Esq.
Clyde, Snow, Sessions & Swenson
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Randall C. Budge, Esq.
Racine, Olson, Nye, Cooper & Budge
Corner First & Center
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Bear River Water Users Association
c/o J. Kent Horton
587 Wasatch Blvd.
Smithfield, Utah 84335

Jim Kimbal
P.O. Box 145
St. Charles, Idaho 83272

Cheryl C. Williss, Chief
Division of Water Resources
P.O. Box 25486
Denver Federal Building Mail Stop 60189
Denver, Colorado 80225

Barbara Wallin